



State of
North Dakota
Office of the Governor

Jack Dalrymple
Governor

EXECUTIVE ORDER 2012-07

WHEREAS, I Jack Dalrymple, Governor of the State of North Dakota, in Executive Order 2011-01 have declared a flood emergency exists in the Devils Lake Basin; and

WHEREAS, since Executive Order 2011-01 was issued, the lake level has set new modern era records, reaching 1454.30 feet on June 27, 2011, and currently standing at 1452.53; and

WHEREAS, Devils Lake remains at a dangerously high level, inundating tens of thousands of acres, cutting off access on vital public roads, and posing an unacceptable risk of catastrophic overflow into the Sheyenne River,

WHEREAS, the State has worked expeditiously to build a control structure at Tolna Coulee and a second pumped outlet at East Devils Lake; and

WHEREAS, in order to manage this ongoing emergency, it will be necessary to operate both pumped outlets at flow rates sufficient to bring down the level of the lake, through a water to water transfer from Devils Lake to the Sheyenne River; and

WHEREAS, the Department of Health will monitor water quality in the Sheyenne River and advise the State Water Commission regarding any observed or anticipated effects on aquatic life due to temporary or emergency use of the Devils Lake outlets; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies and disasters that face the state and its citizens.

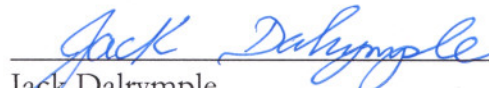
NOW, THEREFORE, pursuant to North Dakota Century Code § 37-17.1-05, I, Jack Dalrymple, Governor of the State of North Dakota, order the suspension of all provisions of any statute, order, rule, or regulation, including those in Chapters 32-40 and 61-28, N.D.C.C. and Chapter 33-16-02.1, North Dakota Administrative Code, that may in any way restrict the full operation of the Devils Lake outlets to reduce the risk of catastrophic overflow.

This order is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and,

This order is effective immediately and it shall remain in effect until December 31, 2012.

Executed at Bismarck, North Dakota, this 30th day of July, 2012.



Jack Dalrymple
Governor

Attest:



Alvin A. Jaeger
Secretary of State